

**REMARKS**

Claims 1, 2, 5, 8, 10, 13, 15 and 18 have been amended, without prejudice, per the Examiner's suggestion so that they are clearly not indefinite.

Claim 1 has additionally been amended to specify that the composition comprises less than 10 % phosphate. Support for this amendment may be found in the Specification, Para. 40.

Care has been taken not to introduce any new matter.

***Claim 20***

Applicants thank the Examiner for pointing out an apparent duplication. Claim 20 has been amended to depend on the method claim 12, so that there is no longer a substantial duplication of claims.

***Claim Rejections – 35 USC § 112***

Claims 1-20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrases “at least about”, “greater than about”, and “less than about” recited in instant claims 1, 2, 5, 8, 10, 13, 15 and 18 were deemed by the Office Action to be vague and indefinite. Applicants respectfully traverse this rejection because these are terms of art and one of ordinary skill in the art would be able to ascertain the metes and bounds of the phrases “at least about”, “greater than about”, and “less than about” based on guidance in the specification and the prior art. Nevertheless, as suggested by the examiner, the phrases were changed to “at least”, “greater than” and “less than”. Claims 1, 2, 5, 8, 10, 13, 15 and 18 have been amended per the Examiner’s suggestion.

The rejection of claims 3-4, 6-7, 9, 11-12, 14, 16-17 and 19-20 are under 35 U.S.C. 112, second paragraph, for being dependent upon a claim with the above addressed 112 problem has been rendered moot by amendment of the claims referenced above.

***Claim Rejections – 35 USC § 102***

Claims 1-20 were rejected under 35 USC 102(b) as being anticipated by Kischkel, et al., US 2002/0151454. According to the Office Action, Kischkel, et al., US 2002/0151454, discloses a composition for washing laundry comprising 5% by weight of sodium dodecylbenzene sulfonate, 5% by weight of guar hydroxypropyl trimethylammonium chloride, 5% by weight of Sokalan CP5 (i.e., an acrylate/maleate copolymer), 0.5% by weight of polyvinylpyrrolidone, and

adjunct ingredients (see Table 1 and Examples 1-12). The examiner asserts that the laundry compositions of Kischkel, et al., would inherently meet the Softening Parameter, cationic polymer molecular weight, and delta E requirements of the instant invention, since the compositions disclosed in Examples 1-12 of Kischkel, et al., contain all of the required components needed to achieve these required limitations, absent a showing otherwise.

Claims 1-20 were rejected under 35 USC 102(e) as being anticipated by Kischkel, et al., US Patent No. 6,616,705. According to the Office Action, Kischkel, et al., US Patent No. 6,616,705, discloses a composition for washing laundry comprising 5% by weight of sodium dodecylbenzene sulfonate, 5% by weight of guar hydroxypropyl trimethylammonium chloride, 5% by weight of Sokalan CP5 (i.e., an acrylate/maleate copolymer), 0.5% by weight of polyvinylpyrrolidone, and adjunct ingredients (see Table 1 and Examples 1-12). The examiner asserts that the laundry compositions of Kischkel, et al., would inherently meet the Softening Parameter, cationic polymer molecular weight, and delta E requirements of the instant invention, since the compositions disclosed in Examples 1-12 of Kischkel, et al., contain all of the required components needed to achieve these required limitations, absent a showing otherwise.

Applicants respectfully traverse. Claim 1, as amended, is not anticipated under 102(b) and 102(e) based on Kischkel, et al. art. Specifically, based on language on page 37, line 5 in the specification, the composition has been limited to less than 10% phosphate. Kischkel's application (US 2002/0151454) requires the use of phosphate in claim 1, and the specification and claims require an amount of at least 10% phosphates. See Para.[0040] and Claim 10. Similarly, Kischkel's patent (US 6,616,705) requires the use of at least 10% phosphate. See claims 1, 3, 8, 10, 12, 17 and column 5, lines 64-67). The claims as amended are not anticipated by Kischkel, et al.

**CONCLUSION**

In view of the foregoing amendments and comments, Applicants request the Examiner to reconsider the rejections and now allow the claims.

If a telephone conversation would be of assistance, Applicant's undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



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